THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.8487 of 2007

23.4.2007

Between:

Karri Papa Rayudu, S/o.Satyanarayana

… Petitioner

AND

The Government of Andhra Pradesh represented by its Principal Secretary, Revenue Department, Secretariat, Hyderabad

And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

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ORDER:

The petitioner is resident of Arthamuru Village of Mandapeta Mandal in East Godavari District. He filed the instant writ petition aggrieved by the proceedings of second respondent in Ref.E2/1174/06, dated 10/2/2007. By the said order, second respondent accorded permission to the Temple Construction Committee represented by fifth respondent for construction of three storeyed building (G + 2) in the land admeasuring 100 Sq.yards situated in the village. By the same proceedings, third respondent was directed to furnish a report in token of taken over possession of the building from fifth respondent. The District Collector also directed that the ground and first floor should be utilized by the revenue department and the second floor (top floor) should be utilized as the temple office. The petitioner is mainly aggrieved by this direction.

Learned Counsel for the petitioner submits that petitioner is coordinator of Sri Jeeyar Educational Trust, Arthamuru and that he made proposal to buy land admeasuring 200 Sq.yards at the rate of Rs.4,000/- per square yard. If the property is sold in public auction, it would fetch only Rs.500/- but the petitioner offered Rs.4,000/- per square yard. In spite of that, the proposal was not considered and third respondent was given permission to fifth respondent to construct building, which is illegal. He contends that if fifth respondent is allowed to construct building and set up office, the same would hurt the sentiment of persons belonging to other religions. Petitioner gave representation on 13.4.2007 for redressal, in vain.

At the stage of admission itself, learned Assistant Government Pleader for Revenue (General-A) has obtained instructions in writing from the District Collector. According to his instructions, the land in R.S.No.381 is classified as Gram Katham (village site) in revenue records. Village chavadi is situated in the temple complex. In 1994, fifth respondent submitted a representation informing that the village chavidi requires reconstruction. Permission was sought to demolish

old village chavadi and reconstruct the same. The proposal was accepted and permission was granted to temple reconstruction committee on condition that village chavadi should be reconstructed at the cost of Devasthanam committee and that the construction should be made providing for office room and record room with free access. Thereafter old village chavadi was demolished in 1997 but reconstruction was not taken up by fifth respondent due to certain difficulties. In view of this, vacant site has been kept under the custody of Panchayat Secretary to prevent encroachments. Subsequently, the trust board and temple construction committee of Sri Venkateswara Swami Temple sought permission to reconstruct three storeyed building in response to which the impugned order was passed enabling the temple committee to utilize the second floor for its office leaving ground and first floor for revenue department. Learned Assistant Government Pleader, however, does not dispute that petitioner as a coordinator of Sri Jeeyar Educational Trust also made attempts to get the land allotted. It is also not denied that the representation made by petitioner on 13.4.2007 is still pending with the District Collector.

The petitioner's grievance is not strictly with regard to permission granted to fifth respondent for construction of the building complex on village site poramboke. He is aggrieved by the permission granted to fifth respondent to utilize second floor for temple office. Petitioner is under the impression that there is alienation of title in favour of fifth respondent, which is not correct. Permitting fifth respondent to construct new building in the place where old village chavadi existed, does not mean that ownership rights are transferred to fifth respondent, who was only permitted to use second floor for the temple office and as and when temple constructed its own office, it is always open to the District Collector to resume second floor. Further, if for any reason, second floor is required by the District Collector, it is also open to ask fifth respondent to surrender possession.

Petitioner's representation dated 13.4.2007 is pending with the District Collector and, therefore, there cannot be any objection if the District Collector considers the same. In case, the proposal made by petitioner to take the land paying Rs.4,000/- per square yard is accepted, the District Collector has to necessarily send a report to the Government through Chief Commissioner of Land Administration. He himself cannot pass any orders alienating the land. The permission granted to fifth respondent to construct new village chavadi and revenue building is different and that there is no transfer of title or ownership.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

April 23, 2007.
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